

Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5894

1 Norman A. Quandt (Admitted *Pro Hac Vice*)  
Ford & Harrison LLP  
2 1275 Peachtree Street, N.E., Suite 600  
Atlanta, GA 30309  
3 Telephone: 404-888-3845  
Facsimile: 404-888-3863  
4 Email: [nquandt@fordharrison.com](mailto:nquandt@fordharrison.com)

5 Douglas W. Hall (Admitted *Pro Hac Vice*)  
Ford & Harrison LLP  
6 1300 Nineteenth Street, N.W., Suite 700  
Washington, DC 20036  
7 Telephone: 202.719.2065  
Facsimile: 202.719.2077  
8 Email: [dhall@fordharrison.com](mailto:dhall@fordharrison.com)

9 Robert Spagat (SBN: 157388)  
WINSTON & STRAWN LLP  
10 101 California Street  
San Francisco, CA 94111-5894  
11 Telephone: 415-591-1000  
Facsimile: 415-591-1400  
12 Email: [rspagat@winston.com](mailto:rspagat@winston.com)

13 Attorneys for Defendant  
14 SKYWEST AIRLINES, INC.

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18  
19 SKYWEST PILOTS ALPA ORGANIZING  
20 COMMITTEE, et al.,

21 Plaintiffs,

22 vs.

23 SKYWEST AIRLINES, INC.,

24 Defendant.

Case No. C-07-2688 CRB

DECLARATION OF DOUGLAS W. HALL  
IN SUPPORT OF DEFENDANT'S  
MOTION TO COMPEL

Date: July 25, 2008

Time: 10:00 a.m.

Place: Courtroom 8, 19th Floor

1 I, Douglas W. Hall, declare as follows:

2 1. I am counsel for Defendant SkyWest Airlines, Inc. ("SkyWest") in this matter, having  
3 been admitted to appear before the Court *pro hac vice*.

4 2. In August 2007, Plaintiff Air Line Pilots Association, International ("ALPA") filed a  
5 petition with the National Mediation Board ("NMB") seeking to become the collective bargaining  
6 representative of SkyWest's pilots.

7 3. The NMB counted the ballots in the election on November 5, 2007. Less than 35% of  
8 SkyWest's pilots voted for representation by ALPA, and thus the NMB dismissed ALPA's petition.

9 4. On February 21, 2008, SkyWest served written discovery on ALPA, including  
10 Defendant's First Set of Interrogatories to Plaintiff ALPA, and Defendant's First Set of Requests for  
11 Production of Documents to Plaintiff ALPA.

12 5. On April 29, 2008, SkyWest served on ALPA a notice of deposition pursuant to Fed.  
13 R. Civ. P. 30(b)(6).

14 6. Among the topics of discovery in the interrogatories, document requests, and Rule  
15 30(b)(6) deposition notice were the following:

- 16 • The compensation provided by any airline whose pilots are represented by  
17 ALPA to any local or national ALPA officer, employee, agent, representative,  
or committee member. (Interrogatory No. 3, Request for Production No. 5.)
- 18 • The financial support provided to ALPA by any airline whose pilots are  
19 represented by ALPA. (Interrogatory No. 4, Request for Production No. 6.)
- 20 • The in-kind support provided to ALPA by any airline whose pilots are  
21 represented by ALPA. (Interrogatory No. 5, Request for Production No. 7.)
- 22 • Litigation, including but not limited to *Barthelemey v. Air Lines Pilots Ass'n*,  
23 897 F.2d 999 (9th Cir. 1990), in which compensation or financial support to  
24 ALPA and/or any local or national ALPA officer, employee, agent,  
representative, or committee member was alleged to violate Section 2, Third  
and/or Section 2, Fourth of the Railway Labor Act. (Interrogatory No. 13,  
Request for Production No. 30.)

25 7. At the request of counsel for ALPA, SkyWest twice agreed to extend the time for  
26 ALPA to respond to written discovery. ALPA ultimately served its responses on May 5, 2008.

27 8. ALPA's response to Request for Production Nos. 5, 6, and 7 were insufficient  
28 because it only produced excerpts from several collective bargaining agreements between ALPA and

1 other carriers whose pilots ALPA represents. ALPA's responses to Interrogatory Nos. 3, 4, and 5  
2 were insufficient because they merely referred back to the same collective bargaining agreements.


3 9. ALPA objected to Request for Production No. 30 in its entirety and produced no  
4 documents in response thereto. Likewise, ALPA objected to Interrogatory No. 13 in its entirety and  
5 provided no response thereto.

6 10. I spoke with ALPA's counsel, Elizabeth Ginsburg by telephone on multiple occasions  
7 to discuss these issues, including on June 3, 2008 and June 10, 2008.

8 11. Ms. Ginsburg told me that ALPA's position is that it will not produce any documents  
9 responsive to Request for Production Nos. 5, 6, 7, and 30, other than the collective bargaining  
10 agreement excerpts that had been produced. She has not asserted that there are no such documents,  
11 just that ALPA will not produce them.

12 12. Ms. Ginsburg also told me that ALPA will not supplement its responses to  
13 Interrogatory Nos. 3, 4, 5 and 13, and that it would not produce a deposition witness to testify  
14 regarding the four topics set forth above absent a court order compelling it to do so.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed on June 17,  
16 2008.

17  
18   
19 \_\_\_\_\_  
20 Douglas W. Hall  
21  
22  
23  
24  
25  
26  
27  
28